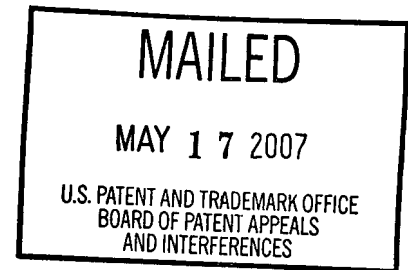


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID VERCHERE

Application 09/838,133
Technology Center 3600



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 10, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

On May 4, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page no. 4, paragraph 8, the Examiner has stated that "No evidence is relied upon by the [E]xaminer in the rejection of the claims under appeal." A review of the file reveals that reference to Rosen et al. (US 6,493,677 B1) was applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer.


Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. *See the Manual of Patent Examining Procedure, (MPEP) § 1207.02.* Appropriate correction is required.

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Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- 1) to issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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